

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Power Integrations, Inc.,

NO. C 09-05235 JW

Plaintiff,

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING BRIEFING SCHEDULE**

v.

Fairchild Semiconductor Int'l, Inc., et al.,

Defendants.

This case is scheduled for a Case Management Conference on September 19, 2011. On September 9, 2011, the parties filed a Joint Case Management Statement. (See Docket Item No. 133.) In the Statement, Defendant Fairchild contends that the Court should construe three further terms<sup>1</sup> that have been identified by the parties as disputed, on the grounds that there is “good cause for supplemental construction” because Defendant Fairchild has requested the supplemental construction “diligently,” and because doing so would not prejudice Plaintiff.<sup>2</sup> (*Id.* at 2-3.) Plaintiff contends that no further claim construction proceedings “are necessary at this juncture.” (*Id.* at 2.)

The Patent Local Rules provide that parties shall prepare for claim construction by “jointly identify[ing] the 10 terms likely to be most significant to resolving the parties’ dispute, including those terms for which construction may be case or claim dispositive.” Patent L.R. 4-1(b). The

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<sup>1</sup> The additional terms proposed by Defendant Fairchild for supplemental construction are: (1) “to switch the power switch”; (2) “feedback signal”; and (3) “current limit.” (*Id.* at 2.)

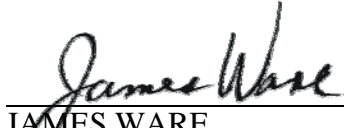
<sup>2</sup> The Court has already construed thirteen disputed terms in two previous Claim Construction Orders. (See First Claim Construction Order, Docket Item No. 128; Second Claim Construction Order, Docket Item No. 132.)

1 Local Rules further require the parties to identify “the terms whose construction will be most  
2 significant to the resolution of the case *up to a maximum of 10.*” Id. 4-3(c) (emphasis added).

3 Upon review, the Court does not find good cause to order a supplemental claim construction  
4 proceeding at this time, insofar as the parties’ Joint Case Management Statement does not offer any  
5 contentions as to why construing the three additional terms proposed for supplemental construction  
6 by Defendant Fairchild would be “most significant to the resolution of the case.” Accordingly, the  
7 Court ORDERS as follows:

- 8 (1) On or before **September 27, 2011**, the parties shall file simultaneous briefs, not to  
9 exceed ten pages in length, addressing the issue of whether the Court should conduct  
10 a supplemental Claim Construction Hearing as to the three additional terms proposed  
11 for supplemental construction by Defendant Fairchild. The briefs shall clearly set  
12 forth reasons why the three terms would be significant to resolving the parties’  
13 dispute. Upon completion of the briefing, the Court will take the matter under  
14 submission without oral argument. See Civ. L.R. 7-1(b).
- 15 (2) The September 19 Conference is VACATED. The Court will set a further Case  
16 Management Conference in its Order addressing the parties’ simultaneous briefs  
17 regarding the issue of whether the Court should conduct a supplemental Claim  
18 Construction Hearing.

19  
20  
21 Dated: September 14, 2011

  
JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: September 14, 2011**

**Richard W. Wieking, Clerk**

9 **By: /s/ JW Chambers**  
10 **Susan Imbriani**  
11 **Courtroom Deputy**